

MEMORANDUM TO: All Chiefs of Police and
Commissioner Thomas Carrique
Chairs, Police Services Boards

FROM: Richard Stubbings
Assistant Deputy Minister
Public Safety Division

SUBJECT: Amendments to Ontario Regulation 71/22 - Critical
Infrastructure and Highways under the *Emergency
Management and Civil Protection Act*

DATE OF ISSUE:	February 14, 2022
CLASSIFICATION:	General Information
RETENTION:	Indefinite
INDEX NO.:	22-0019
PRIORITY:	High

Following the issuance of All Chiefs Memorandum (ACM) 22-0017, Declaration of Emergency under the *Emergency Management and Civil Protections Act* (EMCPA), I am writing to inform you of amendments made to Ontario Regulation 71/22, Critical Infrastructure and Highways.

As you are aware, the emergency order already imposes a prohibition on persons impeding access to or egress from, or the ordinary use of, critical infrastructure, including through the use of a vehicle to block access.

These amendments provide a police officer or provincial offences officer with the authority to detain and store a vehicle or other object that has been removed for the duration that the emergency order is in place. The amendments also allow for costs associated with removal, detention and storage of a vehicle to be met by an owner, operator or most recent driver. In the case of another type of object, the owner and the person who most recently used the object in a contravention of the order would be similarly liable. A lien would also be placed on the vehicle or other object for costs associated with the detention and storage.

The process of the new provisions is in line with other, similar, existing processes under the *Highway Traffic Act* (HTA). The effect of the lien is that the person seeking the return of the property has to pay any fees and charges before they get the property back.

As mentioned in ACM 22-0017, the Ministry of Transportation (MTO) has developed an Emergency Order Form where police officers and other provincial offences officers may issue notices of the penalties/charges.

Amendments – Critical Infrastructure and Highways

Order – Subsection 4(3)	If an individual fails to promptly remove an object after being ordered to do so under clause 4 (1)(c), then a police officer or other provincial offences officer may remove the object or cause it to be removed .
Order re removal of Vehicle – Subsection 5(4)	If an owner or operator fails to comply with an order made subsection 5(3), a police officer or other provincial offences officer may remove the vehicle or cause the vehicle to be removed.
NEW - Detention, storage of removed objects – Subsection 5.1(1)	A police officer or other provincial offences officer who has removed a vehicle or other object as set out in the order, can detain and store the object for the duration the emergency order is in place.
NEW - Detention, storage of removed objects – Subsection 5.1(2)-(4)	The costs and charges for the removal, detention and storage of a vehicle are to be paid by the owner, operator and most recent driver of the vehicle for which they are jointly liable. The owner and person who most recently used an object other than a vehicle in a contravention of the order are similarly liable. There is a lien on the vehicle or other object in respect of the amounts owed. Allow any person (can be an individual or a corporation) who is reasonably qualified to assist with removal, detention or storage to perform these activities at the request of a police officer or provincial offences officer.

Reporting Enforcement Data under the EMCPA

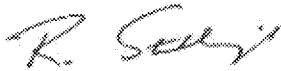
The Ministry of the Solicitor General will continue to update the COVID-19 enforcement data reporting template to reflect these amendments. Analysis of enforcement data that

your police service provides to the ministry continues to support data-driven decision-making. Further information will be communicated to you shortly.

Finally, please be advised that the ministry continues to work with enforcement ministries and municipalities to collaborate and information share, including through the dedicated 1-800 Enforcement Support Line and email resource at EssentialWorkplacesSupport.SolGen@ontario.ca.

Thank you, as always, for your continued efforts to help keep our communities safe.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Stubbings".

Richard Stubbings
Assistant Deputy Minister
Public Safety Division

Attachments

c: Mario Di Tommaso, O.O.M.
Deputy Solicitor General, Community Safety